

JANUARY 18, 1809.

Read the first and second time, and committed to a committee of the whole House, on Monday next.

A Bill,

To authorize the making of a turnpike road from Mason's causeway to Alexandria.



1 Sec. 1. *BE it enacted by the Senate and House of Representatives*
2 *of the United States of America, in Congress assembled, That*
3
4 be, and they are hereby appointed and constituted a board of com-
5 missioners, a majority of whom to constitute a quorum, with full
6 power to receive and enter in such book or books as they may
7 deem proper, by themselves or by their agents, subscriptions for
8 raising a capital stock of twenty thousand dollars, in shares of
9 one hundred dollars each, for the purpose of opening, gravelling
10 and improving a road from the west end of Mason's causeway

11 to Alexandria, in the district of Columbia, the times, places, and
 12 manner of receiving and entering subscriptions, and the manner
 13 of authenticating powers of attorney, or other instruments of writ-
 14 ing authorizing subscriptions to be made by any person or per-
 15 sons, in the name of any other person or persons, to be ascertain-
 16 ed by said board of commissioners, and duly advertised in such
 17 gazettes or public prints as they may deem expedient; *Provided*,
 18 that the books for receiving and entering subscriptions shall be
 19 opened on or before the first day of May next, and that no sub-
 20 scription shall be received unless the sum of ten dollars be first
 21 paid into the hands of such agent, or other person, as said com-
 22 missioners may authorize to receive it.

1 Sec. 2. *And be it further enacted*, That when any number of
 2 persons shall have subscribed one hundred and fifty shares or
 3 more of the said stock, the said commissioners, or a majority of
 4 them may, and when the whole number of shares aforesaid shall
 5 be subscribed, shall give notice in some newspaper, printed in the
 6 district of Columbia, of a time and place to be by them appointed
 7 for the subscribers to proceed to organize the said corporation, at
 8 which time and place the said subscribers, by a majority of votes
 9 to be delivered by ballots in person, or by proxy duly authorized,
 10 shall elect one president and four directors, to conduct the busi-
 11 ness of said company for one year, and until other such officers
 12 shall be chosen in their place, and may make such rules, orders
 13 and regulations, not inconsistent with the constitution and laws of
 14 the United States, as shall be necessary for the well being of the

15 affairs of said company; *Provided always*, that no stockholder
16 shall, in person or by proxy, have more than ten votes at any
17 election, or in determining any question arising at such meeting,
18 whatever number of shares he or she may hold, and each stock-
19 holder, in person or by proxy, shall be entitled to one vote for
20 every share by him or her held under said number; and all per-
21 sons who may then be, or thereafter may become, the actual
22 holders or proprietors of shares in the said capital stock, either
23 as subscribers for the same, or as the legal representatives, suc-
24 cessors, or assignees of such subscribers, shall become one body
25 politic and corporate, in deed and in law, by the name and style
26 of the President, Directors and Company of the George-town and
27 Alexandria turnpike road, and by the said name shall have per-
28 petual succession, and all the privileges incident to a corporation,
29 and shall be capable of taking and holding their said capital stock,
30 and the increase and profits thereof, and of enlarging the same
31 by new subscriptions, if such enlargement shall be found neces-
32 sary to fulfil the intent of this act, and of purchasing, taking, and
33 holding to them and their successors and assigns in fee-simple,
34 or for any lesser estate, all such lands, tenements, hereditaments
35 and estate, real and personal, as shall be necessary or useful to
36 them in the prosecution of their works, and of suing and being
37 sued, of having a common seal, the same breaking and altering at
38 pleasure, and of doing all and every other matter and thing con-
39 cerning the subject aforesaid which a corporation or body politic
40 may lawfully do.

1 *Sec. 3. And be it further enacted,* That the said company shall
2 meet on the first Monday in February, in every year, at such
3 place as shall be fixed by their bye-laws, for the purpose of
4 choosing such officers as aforesaid for the ensuing year, in man-
5 ner aforesaid, and at such other times as they shall be summoned
6 by the president and directors aforesaid, at which annual or spe-
7 cial meetings they shall have full power and authority to do and
8 perform any act by law allowed, and pertaining to the affairs of
9 said company.

1 *Sec. 4. And be it further enacted,* That the president and di-
2 rectors shall procure printed certificates for all the shares of said
3 stock, and shall deliver one such certificate, signed by the pre-
4 sident, to each person for every share by him or her subscribed
5 and held, which certificate shall be transferable, at his or her
6 pleasure in person, or by attorney, in the presence of the presi-
7 dent or treasurer, subject however to all payments due or to grow
8 due thereupon; and the assignee holding any such certificate,
9 having caused the assignment to be entered in a book of the com-
10 pany to be kept for that purpose, shall be a member of said com-
11 pany, and for every certificate by him held, shall be entitled to
12 one share in the capital stock and estate of said company; and
13 if any stockholder, after thirty days notice in a public paper print-
14 ed in each of the towns of Alexandria and George-town, of the
15 time and place appointed for the payment of any portion or divi-
16 dend of the sum subscribed in said stock, shall neglect to pay the
17 same for the space of thirty days after the time so appointed, the

18 share or shares on which such delinquency has taken place shall
 19 be forfeited to the said company, and may be sold by them to
 20 any person or persons, willing to purchase, for such price as can
 21 be obtained, and in case such share or shares should not, on a
 22 sale so to be made, produce a net sum equal to the portion or
 23 dividends then remaining to be paid thereon, such deficiency may
 24 be recovered of the person or persons, so failing to pay, by war-
 25 rant from a justice of the peace, if the amount shall not exceed
 26 twenty dollars, and if the sum so due shall exceed twenty dol-
 27 lars, the same may be recovered by motion, in the name of the
 28 said company, on ten days notice, in any court of record in the
 29 county or district where the debtor may be found; and in all such
 30 warrants and motions the certificate of the clerk or recording offi-
 31 cer of the said company shall be conclusive evidence of the de-
 32 fendant's being a member of the company, and prima facie evi-
 33 dence of the amount due on the share or shares held by such
 34 defendant.

1 *Sec. 5. And be it further enacted,* That the said president and
 2 directors shall meet at such times and places as shall be agreed
 3 upon for transacting their business; at which meetings any three
 4 members' shall form a quorum, who, in the absence of the presi-
 5 dent, may choose a chairman, and shall keep minutes of all their
 6 transactions, fairly entered in a book, and a quorum being met,
 7 they shall have full power and authority to appoint a treasurer,
 8 and agree with and appoint all such surveyors, intendants, artists,

9 or other agents as they shall judge necessary to carry on the in-
 10 tended works, and to fix their salaries, wages or compensation;
 11 to direct and order the times, manner, and proportions, when and
 12 in which the stockholders shall pay monies due on their respec-
 13 tive shares; to draw orders on the treasurer for all monies due
 14 from the said company, and generally to do and transact all such
 15 other matters, acts and things, as by the bye-laws, rules, and regu-
 16 lations of said company shall be required or permitted.

1 Sec. 6. *And be it further enacted*, That the said president and
 2 directors shall cause to be surveyed, laid down, ascertained and
 3 fixed, the said turnpike road, from the west end of Mason's cause-
 4 way, and passing near to the head of the tide water of Four Mile
 5 run at a place called Adam's Mill, and thence to the limits of Alex-
 6 andria, in such route or track for the same, as in the best of their
 7 judgment and skill will combine shortness of distance with the
 8 most convenient ground, and the smallest expenditure of money;
 9 and it shall be lawful to and for the said president and directors,
 10 their surveyors and agents, to enter upon all and every the lands
 11 and inclosures in, through and over which the said turnpike road
 12 may be thought proper to pass, and to examine the ground most
 13 proper for the purpose, and the quarries and beds of stone, and
 14 gravel, and other materials in the vicinity, that will be useful in
 15 making the said road: *Provided*, That the said road shall not be
 16 so laid out as to intersect the road laid out and established by the
 17 Washington and Alexandria turnpike company, without the con-
 18 sent of the said company.

1 *Sec. 7. And be it further enacted,* That it shall and may be
 2 lawful to and for the president and directors, by and with their
 3 superintendants, artists and labourers, with their tools and instru-
 4 ments, with carts, waggons and other carriages, and beasts of
 5 draft or burden, to enter upon the lands in, over or near to which the
 6 route or tract of the said intended road shall pass, first giving notice
 7 of their intention to the owners thereof, or their representatives, and
 8 doing as little damage thereto as possible, and repairing any breaches
 9 they may make in the enclosures thereof, and making amends for
 10 any damages that may be done, by a reasonable agreement if they
 11 can agree; but if they cannot agree, then by appraisement to be
 12 made upon oath or affirmation, by three indifferent freeholders or
 13 any two of them agreeing, to be mutually chosen, or if they can-
 14 not agree in a choice, or if the owners upon due notice shall ne-
 15 glect or refuse to join in the choice, then to be appointed by one
 16 of the judges of the circuit court of the district of Columbia, and
 17 having tendered the appraised value so as aforesaid to be made, it
 18 shall be lawful to cut, dig, take, and carry away any logs, stone,
 19 gravel, sand, or earth most conveniently situate for making or re-
 20 pairing said road; and it shall and may be lawful for the said pre-
 21 sident and directors, or a majority of them, to agree with the own-
 22 ers of any ground to be occupied by the road, and the necessary
 23 toll houses and gates for the right thereof; and in case of disa-
 24 greement, or in case the owner thereof shall be a feme covert,
 25 under age, non compos, or out of the district, on application to

51 hard substance, of sufficient depth or thickness to secure a solid
 52 and firm road, with a surface as even as the materials will admit,
 53 and so nearly level as that it shall in no place rise or fall more
 54 than an angle of degrees with an horizontal line;
 55 and the said road shall forever hereafter be maintained and kept
 56 in good and perfect repair; and wheresoever any bridge over any
 57 part of the said road shall be deemed necessary, the same shall be
 58 built of sound and suitable materials.

1 Sec. 8. *And be it further enacted,* That so soon as the president
 2 and directors shall have perfected the said road from the west end
 3 of Mason's causeway to Alexandria, and in the route aforesaid,
 4 they shall give public notice thereof in some news-paper printed
 5 in the district of Columbia, and it shall be lawful for them there-
 6 after to erect and fix such and so many gates or turnpikes not ex-
 7 ceeding three, upon and across the said road, as shall be necessary
 8 and sufficient to collect the tolls hereinafter granted to the said
 9 company, and it shall be lawful for them to appoint such and so
 10 many toll gatherers as they shall deem necessary to collect and
 11 receive of and from all and every person and persons using the said
 12 road, the tolls and rates hereinafter mentioned, to be regulated
 13 from time to time by the circuit court of the United States, in and
 14 for the district of Columbia, in the county of Alexandria, under
 15 the direction of congress; and to stop any person or persons, rid-
 16 ing, leading, or driving any horses, mules, cattle, hogs, sheep, sul-
 17 key, chair, chaise, phaeton, chariot, coach, cart, waggon, sleigh,

18 sled, or any carriage of burden or pleasure, from passing through
 19 the said gates, until the said tolls shall be paid, that is to say; for
 20 the whole distance in length of said road, and so in proportion for
 21 any lesser distance, viz. For every score of sheep,
 22 for every score of hogs, for every score
 23 of cattle, for every horse or mule with or
 24 without a rider, for every sulkey, chair,
 25 chaise, or carriage of pleasure with two wheels and one horse,
 26 for every coach, chariot, stage-waggon, coachee,
 27 phaeton, or chaise with four wheels and two horses,
 28 for any carriage last mentioned with four horses,
 29 for every other carriage of pleasure under whatever name it may
 30 go, the like sums, according to the number of wheels and horses in
 31 proportion aforesaid; for every sled or sleigh used as a carriage of
 32 pleasure, for each horse drawing the same; for
 33 every sled or sleigh used as a carriage of burden,
 34 for each horse drawing the same; for every cart or waggon whose
 35 wheels do not exceed four inches in breadth cents
 36 for each horse drawing the same; for every cart or waggon whose
 37 wheels shall exceed in breadth four inches, and not exceed
 38 seven inches cents for every horse drawing the
 39 same; for every cart or waggon the breadth of whose wheels shall
 40 be more than seven inches and not more than ten inches
 41 cents for every horse drawing the same; for every cart or wag-
 42 gon the breadth of whose wheels shall be more than ten inches
 43 and not exceed twelve inches cents for every horse

44 drawing the same ; and that all such carriages as aforesaid, to be
 45 drawn by oxen in the whole or partly by oxen, or to be drawn by
 46 mules in whole or part, two oxen shall be estimated as equal to
 47 one horse in charging all the aforesaid tolls, and every mule as
 48 equal to one horse: *Provided*, That no turnpike gate shall be
 49 erected within one mile of the line of the town of Alexandria.

1 Sec. 9. *And be it further enacted*, That it shall be lawful for the
 2 said president and directors, by their bye-laws, to make any rule
 3 or regulation respecting the burdens on carriages to be drawn
 4 over the said road, which shall be deemed reasonable and proper,
 5 and from time to time to alter the same ; and the said president
 6 and directors shall cause mile-stones to be placed on the side of
 7 said road, noting the distance from the north bounds of Alexan-
 8 dria and at every gate or turnpike, shall cause the distance from
 9 the north bounds of Alexandria, and the distance from the west
 10 end of Mason's causeway, to be marked in legible characters on
 11 some conspicuous part of said gate ; and shall cause, also, to be
 12 affixed at such places, a printed list of the tolls, which may be de-
 13 manded of those using the said road ; and for every day the same
 14 shall be neglected, they shall forfeit and pay one dollar, to be reco-
 15 vered by warrant, by any person who shall sue for the same : all
 16 waggoners and drivers of all kinds, whether of burden or plea-
 17 sure, using the said road; shall, except when passing by another
 18 carriage of slower draft going in the same direction, keep their
 19 horses and carriage on the right hand side of the said road, leaving

20 the other side of the road clear and free for other carriages to pass,
21 and repass; and if any driver shall offend against this provision,
22 he shall forfeit and pay two dollars to any person obstructed in his
23 passage, who will sue for the same, to be recovered, with costs,
24 before any justice of the peace, in the same manner as small debts
25 are recoverable; and moreover, shall be liable to the party injur-
26 ed, by suit at common law, for any special damage done.

1 Sec. 10. *And be it further enacted,* That the president and di-
2 rectors of the said company shall keep, or cause to be kept, fair
3 and just accounts of all monies to be received by them from the
4 said commissioners, and from the stockholders, or subscribers to
5 the said undertaking, on account of their several subscriptions or
6 shares, and of all monies by them to be expended, in the prosecu-
7 tion of their said work, and shall once, at least, in every year, sub-
8 mit such accounts to a general meeting of the stockholders, until
9 the said road shall be completed, and until all the costs, charges
10 and expenses of effecting the same shall be fully liquidated, paid
11 and discharged; and if upon such liquidation, or whenever the
12 whole capital stock of the said company shall be nearly expended,
13 it shall be found that the said capital stock will not be suffi-
14 cient to complete the said road, according to the true intent and
15 meaning of this act, it shall and may be lawful for the said stock-
16 holders to be convened according to the provisions of this act, or
17 their own bye-laws and rules, to encrease the number of shares
18 to such extent as shall be necessary to accomplish the work, and

19 to demand and receive the monies subscribed for such shares, in
 20 like manner and under the like penalties, as are herein before
 21 provided for the original subscriptions, or as shall be provided by
 22 their bye-laws.

1 Sec. 11. *And be it further enacted,* That the said president and
 2 directors shall also keep, or cause to be kept, just and true ac-
 3 counts of all the monies to be received by their several collectors
 4 of tolls at the turnpike gates on the said road, and shall make and
 5 declare a half yearly dividend of the clear profits and income
 6 thereof, all contingent costs and charges being first deducted, a-
 7 mong all the holders of said stock, and shall publish the half
 8 yearly dividend aforesaid, in some newspaper printed in the district
 9 of Columbia, and at the time and place when and where the
 10 same will be paid, and shall cause the same to be paid accordingly.

1 Sec. 12. *And be it further enacted,* That it shall be the duty of
 2 the said corporation to keep the said road in good repair; and if
 3 in neglect of their said duty, the said corporation shall at any time
 4 suffer the said road to be out of repair, so as to be unsafe or in-
 5 convenient for passengers, the said corporation shall be liable to
 6 be presented for such neglect before any court of competent ju-
 7 risdiction, and upon conviction thereof to pay to the United States
 8 a penalty not exceeding one hundred dollars, at the discretion of
 9 the court, and shall also be responsible for all damages which
 10 may be sustained by any person or persons in consequence of
 11 such want of repair, to be recovered in an action of trespass on
 12 the case in any court competent to try the same; *Provided al-*
 13 *ways, and it is further enacted,* that whenever the nett proceeds
 14 of tolls collected on said road shall amount to a sum sufficient to
 15 reimburse the capital stock, which shall be expended in the pur-

16 chase of said land and making said road, and twelve per cent. in-
 17 terest thereon, to be ascertained by the circuit court of the Unit-
 18 ed States, in and for the district of Columbia, in the county of
 19 Alexandria, the same shall become a free road, and toll shall be
 20 no longer collected thereon; and said company shall annually
 21 make returns to said circuit court of the amount of tolls collected,
 22 and of their necessary expenses, so as to enable said circuit court
 23 to determine when said toll shall cease.

1 Sec. 13. *And be it further enacted*, That if any person or per-
 2 sons, riding in, or driving any carriage of any kind, or leading, rid-
 3 ing or driving any horses, sheep, hogs, or any kind of cattle
 4 whatever, on said road, shall pass through any private gate, bars
 5 or fence, or over any private way or passage, or pass through any
 6 toll-gate under any pretended privilege or exemption, to which he
 7 or she, or they, may not be entitled, or do any act or thing with
 8 intent to lessen or evade the tolls for passing through the gates es-
 9 tablished under this act, such person or persons, for every such
 10 offence, shall forfeit to the said president and directors, not less
 11 than three, nor more than ten dollars, to be recovered before any
 12 justice of the peace, with costs, in the same manner that small
 13 debts are recoverable: *Provided*, That it shall not be lawful for
 14 the company to ask, demand or receive from or for persons living
 15 on or adjacent to the said road, who may have occasion to pass by
 16 said road upon the ordinary business relating to their farms, so far
 17 as the limits of the same may extend on the road, who shall not
 18 have any other convenient road or way by which they may pass
 19 from one part to another part thereof, any toll for passing on or by
 20 the said turnpike.